

The 11th March, 1980

No. 11(112)-3 Lab.-80/4200.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Frick India Limited, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER, INDUSTRIAL TRI-  
BUNAL, HARYANA, FARIDABAD.

Reference No. 174 of 1979.

between

SHRI RAGHUBIR SINGH, WORKMAN AND  
THE MANAGEMENT OF M/s. FRICK INDIA  
LIMITED, MATHURA ROAD, FARIDABAD.

Present :—

Shri Bhim Singh Yadav, for the workman.

Shri S. L. Gupta, for the management.

#### AWARD

1. By order No. ID/69-79/22351, dated 23rd May, 1979, the Governor of Haryana, referred the following dispute between the management of M/s. Frick India Limited, Mathura Road, Faridabad and its workman Shri Raghubir Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Raghubir Singh was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 27th August, 1979:—

1. Whether the termination of services of the workman was justified and in order?

2. Relief.

And the case was fixed for the evidence of the management. The management examined Shri S. L. Gupta, their Enquiry Officer as MW-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments have been heard.

#### ISSUE No. 1—

The management had held an enquiry into the misconduct of the workman. MW-1 has proved the charge-sheet and his appointment, suspension and extension of the workman. He also proved his enquiry proceedings and his finding. These are Ex. M-1 to M-6. He also proved other documents filed before him Ex. M-7 to M-15. I have gone through the enquiry proceedings. The workman has signed enquiry proceedings on 29th November, 1978. At the enquiry as many as four witnesses for the management have been examined. The statement of all these four witnesses have been signed by the workman. On 9th December, 1978 the management closed their evidence before the Enquiry Officer. At the end of the proceedings, the workman has given a remark that enquiry proceeding is correct up to that page which were with him and not thereafter. He has also endorsed that he had got three pages only. His signatures are there at the end of the 3rd page also. He has signed under that endorsement, which is at the end of the 4th page. The Enquiry Officer has recorded on the last page, i.e., page No. 4 that the workman refused to give his statement and examined his witnesses. He then closed the enquiry. The workman has been granted opportunity for cross examining the witnesses for the management and he has availed of it. He did not give his defence evidence. The finding of the Enquiry Officer is based on evidence. The Enquiry Officer has held the workman guilty of the charges levelled against him. The enquiry has been held in accordance with the principles of natural justice and the enquiry finding is not perverse. It is based on evidence. The charge is that the workman concerned was prohibiting other workmen from working. There were several workmen near the table of the Incharge including Shri Kultej Singh. The workman stabbed Shri Kultej Singh in his stomach by a "Sooa". And when MW reached there, the workman ran away. Shri Kultej Singh fell down by head. He was taken to the Doctor by MW-3 and MW-4. MW-4 is the assaulted workman. The charges are grave which stand proved at the enquiry proceedings. I, therefore, decide issue No. 1 in favour of the management.

#### ISSUE No. 2—

The workman is not entitled to any relief.

3. While answering the reference, I give my award that the termination of services of the

workman concerned was justified and in order.  
He is not entitled to any relief.  
Dated the 28th February, 1980.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 206, dated 5th March, 1980.  
Forwarded (four copies) to the Secretary to  
Government Haryana, Labour and Employment  
Departments Chandigarh, as required under sec-  
NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

The 4th March, 1980

No. 11(112)-3Lab-80/2794.- In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Aval Scales Industries Pvt. Ltd., Sector-27, Faridabad :-

BEFORE SHRI GURMESH PARKASH, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, FARIDABAD

Reference No. 15 of 1979

between

SHRI SHIVAJI PARSAD, WORKMAN AND THE MANAGEMENT OF M/S. AVAL  
SCALES INDUSTRIES, PVT. LTD., SECTOR-27, FARIDABAD

Present :-

No one is present on behalf of both the parties.

#### AWARD

This reference No. 15 of 1979 has been referred to this Court by the Hon'ble Governor of Haryana, —vide his order No. FD/197-79, under section 16 (i) (c) of the Industrial Disputes Act, 1947 for adjudication the dispute existing between Mr. Shivaji Parsad workman and M/s Aval Scales Industries Pvt. Ltd., Sector-27, Faridabad. The terms of the reference was :-

Whether the termination of services of Shri Shivaji Parsad was justified and in order ?  
If not, to what relief is he entitled ?

After receiving this reference notices were issued to both the parties. Mr. Mohit appeared before this court on behalf of the workman and stated that his demand notice be treated as claim statement. On the other hand management filed a written statement alleging that this workman resigned from his post at his own they also filed a photostate copy of his resignation letter having signature on it. They also filed photostate copy of two vouchers by which the workman drew his balance money for full and final settlement. Then the case was fixed for rejoinder and issues on 8th February, 1980. But no one appeared on behalf of the workman on that day and it was ordered by me that *ex parte* proceedings be held against the workman. It was further order by me that management should produced his evidence to justify the termination on 19th February, 1980. But on that day no one was present on behalf of both the parties. In these circumstances, I think when the workman saw the photostate copies of his resignation and vouchers by which he drew the money he thought truth will come out and for that reason he decided not to appear before this court. It seems the demand raised by the workman has been withdrawn and now there remains no dispute between the parties to be settled.

I thus relying on the above stated facts and circumstances hold that there is now no dispute to be adjudicated between the parties for the reason of non-prosecution specially on behalf of the workman primarily it was his duty to prove his contention. I thus return this reference while giving my award in these terms.

Dated, the 21st February, 1980.

GURMESH PARKASH,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Endst. No. 346, dated 26th February, 1980.

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

GURMESH PARKASH,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.